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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

8 || JOHN TURNER,

2:14-cv-00384-GMN-VCF

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Plaintiff,

ORDER

SOUTHERN DESERT CORRECTIONAL CENTER, *et al.*

Defendants.

16 Plaintiff, a Nevada state inmate, has submitted an application (#1) to proceed *in forma*
17 *pauperis* seeking to initiate a civil rights action.

18 The action has not been properly commenced because the pauper application is not
19 properly completed. Under Local Rule LSR 1-1, a plaintiff seeking to commence an action *in*
20 *forma pauperis* must file an application on the Court's required pauper form. Plaintiff instead
21 used what appears to be a state court form.

Moreover, 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2 require that the plaintiff attach both: (a) a financial certificate properly completed and executed by an authorized institutional officer on the required federal form; and (b) a statement of the plaintiff's inmate trust fund account for the past six months. Plaintiff attached neither. The financial certificate tendered is from a state form, which does not contain the financial information required for a federal action. The one-page computer printout tendered further is not a complete inmate trust fund account statement.

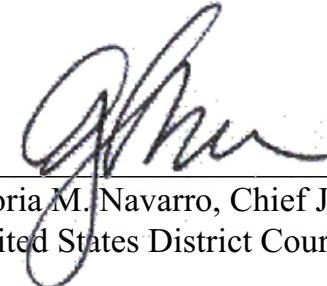
1 It does not appear from review of the allegations presented that a dismissal without
2 prejudice of the present improperly-commenced action would lead to a promptly-filed new
3 action being untimely or otherwise result in substantial prejudice. The complaint appears to be
4 based upon alleged events in August and September 2013.¹

5 **IT THEREFORE IS ORDERED** that the application (#1) to proceed *in forma pauperis*
6 is **DENIED** and that this action shall be **DISMISSED without prejudice** to the filing of a new
7 complaint on the required form in a new action together with either a new pauper application
8 with all required, and new, attachments or payment of the \$350.00 filing fee.

9 The Clerk of Court shall send plaintiff a copy of the papers that he filed along with the
10 complaint and pauper forms and instructions for both forms.

11 The Clerk shall enter final judgment accordingly, dismissing this action without
12 prejudice.

13 DATED this 21st day of March, 2014.

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18 Gloria M. Navarro, Chief Judge
19 United States District Court
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26 ¹Plaintiff captioned both the pauper application and the complaint for "District Court, Clark County,
27 Nevada." It thus is possible that he mailed his suit papers to the wrong court intending instead to file in
28 state district court. Regardless, the dismissal of the present improperly-commenced action without prejudice
to the filing of a new properly commenced action under a new docket number will not result in substantial
prejudice.